

Remarks

Claims 1-27 are pending in this application. Claims 1, 2, and 25 have been amended in various particulars as indicated hereinabove. New Claims 26 and 27 have been added to alternatively define the invention.

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Schaar (hereinafter "Van," US Patent Publication 2003/0135863 A1) in view of Feuerstraeter *et al.* (hereinafter "Feu," US Patent Publication 2003/0123393 A1). This rejection is respectfully traversed for the following reasons.

The claims have been amended to describe that the indication of predetermined transport parameters is contained in the first part of the content transmission. In the previous formulation, the indication was merely "associated" with the content transmission.

The requirement that the "indication" is "contained in" the content transmission distinguishes the present invention over the applied references. Certainly the Van patent does not suggest such an indication of predetermined transport parameters. In fact, the pending Office Action, at page 3, concedes that Van does not provide for a similar "indication" as described in the pending claims:

Van does not explicitly disclose:

receiving an indication of predetermined transport parameters in the network, the indication being associated with the received first part of the content transmission

Nevertheless, on this point, the secondary reference is possibly more relevant. In paragraph [0030], for example, Feu does provide for a flow control agent 214 that detects a priority level associated with content. The difference is, however, that Feu teaches a system that sends specific messages to the network elements so that they are configured to implement the prescribed priority-based flow control. Specifically, as described in paragraph [0039] of Feu, special datagrams are addressed and sent to network elements.

These datagrams are then effective on a per-link basis. In short, in Feu, two sets of communications take place. First, these special datagrams are sent to configure the network elements. Then, when the content is transmitted, the network elements forward the content packets with the priority dictated by the earlier datagrams.

In contradistinction, in the present claimed invention, the indications of the predetermined network parameters are contained in the content transmissions themselves. Therefore, these indications travel with the content and can be used to configure any network elements along the transmission path from the source to the destination. Special-purpose datagrams to the network elements are not required. Simply, the content transmissions themselves contain the necessary priority transport information in the present claimed invention.

To further highlight this distinction, new claims 26 and 27 have been added. They describe that the indication of predetermined transport parameters is contained in a content payload header of the content transmission. This further distinguishes the present invention from that described in Feu, which uses the special datagrams sent to network elements to configure the underlying network for the subsequent content transmission.

For these reasons, the present claimed invention contains features that are not shown in either of the applied references. Moreover, these features yield advantages that are achieved by neither of the references. Particularly, special configuration datagrams are not required with the present claimed system. Thus, for these reasons, the present claimed invention is deemed to patentably distinguish over the applied combination.

